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IDD 6888
SB-D
10/11/13

October 11, 2013

VIA EMAIL AND OVERNIGHT MAIL

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement
M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706

Re: Quarterly Progress Report – Third Quarter 2013 (July 1 – September 30)
Administrative Order on Consent, Docket No. RCRA-10-2009-0186
Nu-West Industries, Inc. Conda Phosphate Operations

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

I. Site Assessment Report

The following activities were conducted during Third Quarter 2013, pursuant to (or related to) EPA’s May 15, 2013 comments on Nu-West’s *Site Assessment Report* (February 15, 2013):

- On September 30, 2013, Nu-West submitted to EPA and IDEQ a letter providing laboratory data validation reports for samples collected in 2012 as part of the RCRA 3013 investigation.

II. A-34 Lateral Assessment Work Plan

The following activities were conducted during Third Quarter 2013, pursuant to (or related to) the EPA-approved *A-34 Lateral Assessment Work Plan* (January 9, 2013), prepared and approved pursuant to the Consent Order:

- Nu-West continued providing to EPA and IDEQ weekly submittals *via* FTP site of water level, temperature, fluid conductivity, and pH measured by a pressure transducer and data loggers installed in groundwater monitoring well A-34-022.

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Mr. Peter Magolske
Mr. Brian Monson
October 11, 2013
Page 2

- On August 9, 2013, Nu-West submitted to EPA and IDEQ the *A-34 Pumping Test Report*. The Report described the implementation and results of a pumping test at well A-34-022 that included a period of background water level monitoring, a step-drawdown test, a constant rate test, and a recovery test.
- Nu-West continued implementation of a groundwater monitoring program for the Main Processing Area. Groundwater samples were collected from monitoring well A-34-022 on a weekly or bi-weekly basis between July 5, 2013 and September 26, 2013; groundwater samples were collected from nine other monitoring or production wells on a monthly basis during the weeks of July 15 and August 26, 2013. Groundwater monitoring results from May and June 2013 were provided to EPA and IDEQ in the *May-June 2013 Main Processing Area Groundwater Monitoring Report* (August 6, 2013).
- On September 30, 2013, Nu-West, EPA, and IDEQ held a conference call to discuss the groundwater monitoring requirements of the A-34 Lateral Assessment Work Plan. EPA approved changes to the monitoring requirements in a letter dated September 30, 2013.
- Nu-West continued during the quarter to complete launder inspections and make repairs including:
 - Replacement of the south section of the phos east launder;
 - Replacement of the launder on the west side of the scrubber;
 - Replacement of a launder branch by Tank 12; and
 - Inspection and minor repairs of the launder section inside the filter building that had not been completed when Nu-West submitted the Second Supplemental Report of the A-34 Area Process Equipment Evaluation on June 21, 2013.

III. Updated Supplemental Work Plan

The following activities were conducted during third quarter of 2013, pursuant to (or related to) the *Supplemental Work Plan* (May 28, 2013), prepared and conditionally approved pursuant to the Consent Order, and the *Updated Supplemental Work Plan, Revision 2* (July 29, 2013), prepared and approved pursuant to the Consent Order.

- On July 29, 2013, Nu-West submitted to EPA and IDEQ the *Updated Supplemental Work Plan, Revision 2*. The Work Plan described the scope of work for the installation and sampling of bedrock groundwater monitoring wells in and

Mr. Peter Magolske
Mr. Brian Monson
October 11, 2013
Page 3

downgradient of the Main Processing Area and downgradient of the Gyp Stacks and Cooling Ponds. EPA approved the Work Plan in a letter dated August 5, 2013.

- Nu-West continued the drilling and geophysical logging of boreholes and construction of monitoring wells at locations A-33, A-47, A-49, and A-50 in the Main Processing Area and A-04, A-19, A-26, A-52, A-53, A-54, A-55, A-56, and A-57 downgradient of the Gyp Stacks and Cooling Ponds as detailed in the *Updated Supplemental Work Plan, Revision 2* (July 29, 2013). Between one and four bedrock boreholes were drilled at each location for the construction of groundwater monitoring wells screened in water-bearing zones within the basalt sequence or within the underlying sedimentary sequence. Borehole summaries were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for these wells during a series of conference calls on July 17, July 25, August 12, August 20, August 22, August 28, and September 24, 2013 and follow-up letters.

IV. Quality Assurance Project Plan

The following activities were conducted during Third Quarter 2013, pursuant to (or related to) the *Quality Assurance Project Plan, Revision 3* (July 30, 2013), prepared and approved pursuant to the Consent Order.

- On July 3, 2013, Nu-West submitted to EPA and IDEQ the *Quality Assurance Project Plan, Revision 3*. The Quality Assurance Project Plan (QAPP) described quality assurance / quality control procedures to be used during implementation of investigation activities conducted pursuant to the Consent Order. EPA disapproved the QAPP in a comment letter dated July 18, 2013.
- On July 30, 2013, Nu-West submitted to EPA and IDEQ a response to comment letter and updated version of *Quality Assurance Project Plan, Revision 3*. The Quality Assurance Project Plan (QAPP) described quality assurance / quality control procedures to be used during investigation activities conducted pursuant to the Consent Order. EPA approved the QAPP in a letter dated August 5, 2013.

V. Groundwater Monitoring Plan

The following activities were conducted during Third Quarter 2013, pursuant to (or related to) the *Groundwater Monitoring Plan* (September 5, 2013), prepared pursuant to the Consent Order.



Mr. Peter Magolske
Mr. Brian Monson
October 11, 2013
Page 4

- On July 29, August 12, August 20, August 22, and August 28, 2013, Nu-West, EPA, and IDEQ held a series of conference calls to discuss the implementation of a groundwater monitoring program.
- On September 5, 2013, Nu-West submitted to EPA and IDEQ the *Groundwater Monitoring Plan*. The Work Plan described the scope of work for a groundwater monitoring program that included monthly, quarterly, and semi-annual water level monitoring and groundwater sampling at monitoring wells at the site. EPA provided comments to the Work Plan in a letter dated September 30, 2013.
- During the week of September 9, 2013, Nu-West initiated groundwater monitoring as detailed in the *Groundwater Monitoring Plan* (September 5, 2013). The groundwater monitoring included water level measurements at 86 monitoring wells and groundwater sampling at 58 monitoring wells.

In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Scott Burton". Below the signature, the word "FOR" is written in blue capital letters.

P. Scott Burton

cc: J Wayne Maxie, Nu-West
Barry N. Burnell, IDEQ

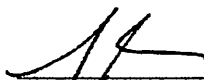
Attachment – Certification

ATTACHMENT A

CERTIFICATION

I certify under penalty of law that the attached Quarterly Progress Report – Third Quarter 2013 was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:



Name:

Josh Regan

Title:

Plant Manager, Nu-West Conda Phosphate Operations

Date:

10.11.2013